

Remarks

Claims 1 to 40 were pending. By this Amendment, claims 1 to 6 and 31 to 40 have been amended. No new matter is presented by the amendments and entry is respectfully requested. Accordingly, claims 1 to 40, as amended, are now pending.

The Examiner maintained the rejection of claims 1 to 12 and 19 to 35 under 35 U.S.C. § 103(a) as allegedly unpatentable over Banholzer I or Banholzer II. In addition, the Examiner maintained the obviousness-type double patenting rejections of claims 1 to 12 and 19 to 35 over claims 1 to 14 of Banholzer I and claims 1 to 10 of Banholzer II.

In response, applicants have amended the claims so that each phenyl group is required to be substituted. Thus, the Examiner statement that "the claims as recited encompass a compound with one substituent on only **one phenyl**" (see Office Action, page 2) does not apply to the claims as amended. Therefore, the Declaration of Michael Paul Pieper Under 37 C.F.R. § 1.132, which the Examiner contended was insufficient for the former claims for the reason that the claims as recited encompass a compound with one substituent on only one phenyl, is sufficient for overcoming the rejections of the amended claims. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejections.

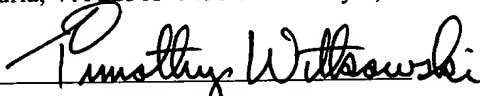
Applicants also enclose herewith an information disclosure statement for the Examiner's consideration.

Applicants submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Serial No. 09/965,766
Amendment dated January 8, 2004
Reply to Office Action dated September 4, 2003

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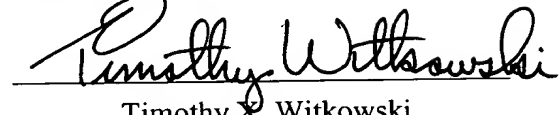


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Dated

Respectfully submitted,



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